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upper above said heel portion, said sole being formed with a longitudinal channel in the midsole and outsole with the channel extending through the peripheral rim and with the channel dividing the midsole and outsole of the heel portion into a pair of laterally adjacent compression elements, said compression elements having interior sidewalls which are spaced apart an effective distance to isolate the compression elements from motion of their interior sidewalls and permitting independent movement of the compression elements, said channel extending upwardly through the sole and being separated from the upper by a connecting portion of the sole which has a vertical height that is effective to present a minimal transfer of motion between the compression elements responsive to stress forces whereby the heel counter and compression elements control the user's foot pronation movement with substantially low acceleration from an initial heel strike phase to a loading phase of the gait cycle for the shoe.

REMARKS

The foregoing amendment is presented preliminary to initial examination.

The insertion "above the heel portion" specifies the portion of the lasting board which is devoid of penetrating channels. In contrast, Ellis '924 teaches at p. 18, lines 13-14 that a key functional advantage of the patent's approach (i.e. the use of the deformation sipes referred to at p. 18, line 1) is that the shoe's sole can follow the natural deformation of "at the wearer's heel"

In the final Office Action of the parent application it was indicated that Ellis teaches that the sipes (channels) do not have to penetrate the rigid shank (lasting board), citing page 23, lines 17-19. The sentence at which that portion appears beginning at line 11 states